

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| BRADLEY J. MCLACHLAN and ALEX D. GRAHAM, individually and on behalf of all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO.: 2:22-cv-04115 |
| v. |) | |
| |) | |
| INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, THE GENERAL EXECUTIVE BOARD OF THE INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, THE BOARD OF TRUSTEES OF THE ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN and JOHN DOES 1-30. |) | |
| |) | |
| Defendants. |) | |

**STIPULATION TO DISMISS DEFENDANTS AND SET DEADLINES FOR A
RESPONSE TO THE PROPOSED AMENDED COMPLAINT**

Plaintiffs, Bradley J. McLachlan and Alex D. Graham, (“Plaintiffs”), hereby respectfully provide notice to the Court of a Stipulation entered into with the Board of Trustees of the Elevator Constructors Annuity and 401(k) Retirement Plan and its members during the Class Period (the “Board of Trustees”), by and through their undersigned counsel, hereby stipulate and agree as follows:

1. Based upon certain discussions between the parties since the filing of the Complaint commencing this action on October 13, 2022, and in an effort to narrow and streamline this litigation, the International Union of Elevator Constructors (“IUEC”) and the General Executive Board of the International Union of Elevator Constructors and its members during the Class Period (the “IUEC Board”) are not proper parties to this matter.

2. Accordingly, Plaintiffs wish to amend their Complaint to remove IUEC and the IUEC Board as Defendants and to amend other sections of the Complaint to correct their removal. Therefore, Plaintiffs will file an amended complaint by December 6, 2022. The remaining Defendants will have until January 21, 2023 to respond to said amended complaint.

3. Should additional evidence be discovered which would suggest that the IUEC and/or the IUEC Board should be added as additional parties, the Plaintiffs reserve the right to seek leave of Court to add them. Nothing in this Stipulation shall be construed as waiving the Plaintiffs rights to later add the IUEC and/or the IUEC Board pursuant to this paragraph.

4. The parties stipulate and agree that this Stipulation is not intended to waive Plaintiffs' right to amend as of right under Fed.R.Civ.P. 15(a)(1) but, rather, is merely for the convenience of the parties and to streamline litigation of this case. Accordingly, the parties stipulate and agree that Plaintiffs shall retain the right to amend the Complaint as of right in response to the response filed by the remaining Defendants on January 6, 2023.

Dated: November 21, 2022

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| <p>Respectfully submitted, CAPOZZI ADLER, P.C.</p> <p><u>/s/ Donald R. Reavey</u> Donald R. Reavey, Esquire 2933 North Front Street Harrisburg, PA 17110 PA Attorney ID #82498 Email: donr@capozziadler.com Telephone: (717) 233-4101 Fax: (717) 233-4103</p> <p>Mark K. Gyandoh, Esquire 312 Old Lancaster Road Merion Station, PA 19066 Email: markg@capozziadler.com Telephone: (610) 890-0200 Fax: (717) 233-4103</p> | <p>SEYFARTH SHAW LLP</p> <p><u>/s/ Samuel Schwartz-Fenwick</u> Samuel Schwartz-Fenwick, Esquire Thomas M. Horan, Esquire 233 S. Wacker Drive, Suite 8000 Chicago, Illinois 60606-6448 Admitted <i>Pro Hac Vice</i> Email: sschwartz-fenwick@seyfarth.com Email: thoran@seyfarth.com Telephone: (312) 460-5000</p> <p>Jacob N. Szewczyk O'Donoghue & O'Donoghue 5301 Wisconsin Avenue NW, Suite 800 Washington, D.C. 20015 Telephone: (202) 362-0041</p> |
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| <p><i>Counsel for Plaintiffs</i></p> | <p>Fax: (202) 362-2640</p> <p><i>Counsel for the Board of Trustees of the Elevator Constructors Annuity and 401(k) Retirement Plan</i></p> |
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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2022, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

By: /s/ Donald R. Reavey